

## **811 KAR 1:035. Claiming races.**

RELATES TO: KRS 230.215, 230.260(1)

STATUTORY AUTHORITY: KRS 230.215(2), 230.260(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(3) authorize the Authority to regulate conditions under which harness racing shall be conducted in Kentucky. This administrative regulation establishes the requirements for claiming races.

Section 1. (1) A horse entered in a claiming race may be claimed for its entered price by:

(a) A licensed horse owner who has a horse programmed to start in a pari-mutuel race at that meeting;

(b) A licensed horse owner who has received a claim certificate from the Authority; or

(c) A person who has qualified for a license as a horse owner and who has received a claim certificate from the Authority.

(2) An authorized agent may claim for a qualified owner in his own right, but only for the account of the person for whom he is agent.

(3) To qualify for a license as an owner, the applicant shall have a current United States Trotting Association or Standardbred Canada membership as an owner or membership as an associate-member.

(4) A person seeking to knowingly effect a false claim by inducing another to claim a horse for him or her shall be charged with a violation pursuant to Section 10(1) of this administrative regulation.

Section 2. Prohibitions. (1) A person shall not claim his or her own horse and shall not claim a horse trained or driven by him or her.

(2) A person shall not claim more than one (1) horse in a race.

(3) A qualified owner or the owner's agent shall not claim a horse for another person.

(4) An owner shall not cause his or her horse to be claimed directly or indirectly for his or her own account.

(5) A person shall not offer, or enter into an agreement, to claim or not to claim or attempt to prevent another person from claiming any horse in a claiming race.

(6) A person shall not enter a horse which has a mortgage, bill of sale, or lien of any kind pending, unless the written consent of the holder is filed with the clerk of the course of the association conducting that claiming race.

Section 3. Claiming Procedure. (1) Owner's credit.

(a) A person submitting a claim shall provide to the association an amount equivalent to the specified claiming price plus the existing Kentucky sales tax as authorized by KRS 139.531(c) and the United States Trotting Association fee for transfer of registration.

(b) By accepting the claim, the association assumes responsibility for and shall make payment to the owner of the horse claimed.

(c) The money due for a claimed horse shall be paid to the owner of the claimed horse within forty-eight (48) hours after the end of the race (Sundays excepted) by the association, if the horse has a current test complying with subsection (14) of this section and if a signed claiming authorization and proper registration papers are provided to the clerk of the course.

(2) A declaration shall not be accepted unless written permission of the owner is filed with the racing secretary at the time of declaration.

(3) The claiming price shall be printed on the program and all claims shall be for the amount so designated and any horse entered in a claiming race may be claimed for the designated amount.

(4) A claim shall be in writing, sealed and deposited at least fifteen (15) minutes before the time originally scheduled for the race to begin in a locked box or designated location provided for this purpose by the Authority.

(5) An official shall not open the claim box or give any information on claims filed until after the horses leave the paddock for the post parade.

(6) If more than one (1) claim is filed for the same horse, the owner shall be determined by lot by the judges.

(7) A horse claimed shall be delivered immediately by the original owner or his or her trainer to the successful claimant upon authorization of the presiding judge; and

(a) The horse's halter shall accompany the horse;

(b) The horse's shoes shall not be altered or removed; and

(c) The hobble measurements of a claimed horse shall be made available to the successful claimant by the paddock judge.

(8) An owner who refuses to deliver a horse legally claimed out of a claiming race shall be charged with a violation pursuant to Section 10(1) of this administrative regulation.

(9)(a) A horse claimed shall race in all heats or dashes of the event in the interest and for the account of the owner who declared it in the event.

(b) Title to the claimed horse shall be vested in the successful claimant from the time the word "go" is given in the first heat or dash.

(c) The successful claimant shall become the owner of the horse regardless of whether the horse is:

1. Alive;

2. Dead;

3. Sound;

4. Unsound; or

5. Injured during the race or after it.

(d) The final vesting of title to a claimed horse shall be subject to the conditions and provisions set forth in this administrative regulation.

(10)(a) The judges may require any person making a claim for a horse to affirm by affidavit that the claimant is claiming the horse for his or her own account or as authorized agent and not for any other person.

(b) A person knowingly making a false statement regarding the claiming process shall be charged with a violation pursuant to Section 10(1) of this administrative regulation.

(11) (a) A claimed horse may start in a race in which the claiming price is less than the price at which the horse was claimed.

(b) If a horse is claimed, a right, title, or interest in that horse shall not be sold or transferred except in a claiming race for a period of thirty (30) days following the date of claiming.

(c) A claimed horse shall be required to race at the association where claimed for a period of thirty (30) days or the balance of the current racing meeting, whichever occurs first.

(12) A horse that has been claimed shall not be eligible to start in a race in the name or interest of the previous owner for thirty (30) days. The horse shall not remain in the same stable, or under the care or management of the first owner or trainer, or anyone connected with the previous owner unless reclaimed out of another claiming race.

(13) A horse scratched from a claiming race shall not be eligible to be claimed.

(a) If a horse drawn to start in a claiming race has been declared to start in a subsequent race, the successful claimant of the horse in the first race shall have the option of scratching the horse from the subsequent race.

(b) For a period of thirty (30) days, a horse scratched from a claiming race and then entered in a subsequent race (regardless of classification) shall not be eligible to be claimed for an amount

more than the claiming price the horse was carrying in the race from which it was scratched.

(14) Blood sample if horse is claimed.

(a)1. If the TCO<sub>2</sub> level in a prerace test exceeds 37.0 millimoles per liter in a horse to which furosemide has not been administered, or 39.0 millimoles in a horse to which furosemide has been administered, the horse shall be scratched and the claim voided.

2. A postrace drug test may be taken from a horse claimed out of a claiming race, at the option of the person claiming the horse. The trainer of the horse at the time of entry for the race from which the horse was claimed shall be responsible for the claimed horse until the postrace sample is collected. The person claiming the horse shall be responsible for all reasonable and actual costs associated with the testing process, except as provided in subparagraph 3 of this paragraph.

3. A person who claims a horse may void the claim if the post-race test indicates the horse has Class A, B, or C drugs in its system, or a TCO<sub>2</sub> level exceeding 37.0 millimoles per liter in a horse to which furosemide has not been administered, or 39.0 millimoles in a horse to which furosemide has been administered. If the claim is voided, the person claiming the horse shall then be entitled to reimbursement from the previous owner of all reasonable costs associated with the claiming process and the postrace test, including the costs of transportation, board, and the testing process.

(b) An equine infectious anemia (Coggins) test shall not be required of a horse that has been claimed if that horse has a valid certificate stating that within twelve (12) months of the day of the claim the horse has received a Coggins test and is negative for equine infectious anemia. The certificate shall contain the horse's lip tattoo number or a uniform or standardized means of identification approved by the Authority.

(c) If a claimed horse does not have the certificate described in a paragraph (b) of this subsection, then a blood sample shall be taken immediately after the race in the paddock by a licensed veterinarian, and the sample identified as being from a claimed horse. The sample shall be forwarded within twenty-four (24) hours to an Authority-approved laboratory to be tested for equine infectious anemia.

(d) Monies paid for a claimed horse shall be held by the association pending the receipt of the results of the test for equine infectious anemia.

(e) If the results of a test on a claimed horse for equine infectious anemia are positive, ownership of the claimed horse shall, at the option of the claimant, revert to the previous owner and the claiming monies shall be returned to the person who claimed the horse.

(f) The cost of the test shall be borne by the original owner and the test may be waived at the claimant's discretion if the certificate is still valid pursuant to Section 3(14)(b) of this administrative regulation.

(15)(a) A filly or mare which has been bred shall not be declared into a claiming race for at least forty-five (45) days following the last breeding of the filly or mare. Following that period, a filly or mare that has been bred shall be declared into a claiming race after a veterinarian has pronounced the filly or mare not to be in foal.

(b) A filly or mare pronounced in foal shall not be declared into a claiming race.

(c) If a filly or mare is claimed out of a claiming race and subsequently proves to be in foal from a breeding which occurred prior to the race from which she was claimed, the claim may be voided by the judges at the option of the claimant, if the mare is subjected to a pregnancy examination no later than twenty-one (21) days after the date of the claim, and is found to be pregnant as a result of that pregnancy examination.

(d)1. A claimant seeking to void the claim shall file a petition to void that claim with the judges within ten (10) days after the results of the pregnancy examination are received. Following the filing of the petition, the judges shall conduct a hearing after due notice to all parties.

2. If the judges determine that the claim is void, the claimant shall receive a reasonable cost

from the previous owner to cover the cost of the pregnancy examination.

Section 4. In accordance with Section 3(1)(b) of this administrative regulation, the association shall pay the claiming price to the owner at the time the registration certificate and a signed claiming authorization are delivered for presentation to the successful claimant and shall withhold and pay the Kentucky sales tax to the Commonwealth pursuant to KRS 139.531(c).

Section 5. Claiming Conditions. (1) Unless prior approval is given by the presiding judge, claiming races shall be written to separate horses five (5) years and older from younger horses and to separate males from females.

(2)(a) If sexes are mixed, mares shall be given a twenty (20) percent minimum price allowance, except there shall be no price allowance given to a spayed mare racing in a claiming race.

(b) An allowance for age shall be given as follows:

1. Two (2) year olds shall be given a 100 percent allowance;
2. Three (3) year olds shall be given a fifty (50) percent allowance; and
3. Four (4) year olds shall be given a twenty-five (25) percent allowance.

(c) Claiming races for two (2) year olds may have conditions.

(d) Claiming races for three (3) year olds may have conditions.

(e) A claiming class written at a specific meeting may have conditions.

Section 6. Except as provided in 811 KAR 1:030, Section 20, a horse owner shall not be prohibited from determining the price for which his horse shall be entered.

Section 7. To facilitate transfer of claimed horses, the presiding judge or racing secretary may sign the transfer if he or she then sends the registration certificate and claiming authorization to the registrar for transfer.

Section 8. Fraudulent Claim. (1) If the judges determine that the declaration of a horse to a claiming race is fraudulent on the part of the declarer, they may void the claim at the option of the claimant, and order the horse returned to the person declaring it in. The declarer shall be charged with a violation pursuant to Section 10(1) of this administrative regulation.

(2) If the judges determine that a claim of a horse is fraudulent on the part of the person making the claim, they may void the claim at the option of the person declaring it in, and return the horse to the person declaring it in. The person making the claim shall be charged with a violation pursuant to Section 10(1) of this administrative regulation.

Section 9. Penalties. (1) A person or association that violates any of the following sections of this administrative regulation shall have committed a Class 2 violation and shall be subject to the penalties set forth in 811 KAR 1:095, Section 4(2):

- (a) Section 1(4), by inducting another to claim a horse for him or her to effect a false claim;
- (b) Section 3(8), by refusing to deliver a horse legally claimed out of a claiming race;
- (c) Section 3(10)(b), by knowingly making a false statement regarding the claiming process; or
- (d) Section 8, by making a fraudulent claim.

(2) A person or association that violates any of the provisions of this administrative regulation other than provisions listed in subsection (1) of this section shall have committed a Category 1 violation and shall be subject to the penalties set forth in 811 KAR 1:095, Section 4(1). (KTC 1-8 (Rule 10); 1 Ky.R. 1104; eff. 6-11-75; Am. 4 Ky.R. 238; eff. 2-1-78; 6 Ky.R. 433; eff. 4-1-80; 7 Ky.R. 499; eff. 1-6-81; 626; eff. 3-4-81; 10 Ky.R. 916; eff. 2-1-84; 15 Ky.R. 854; eff. 11-11-88; 23 Ky.R. 2288; 3570; eff. 3-14-97; 28 Ky.R. 2251; 2575; eff. 6-14-2002; 33 Ky.R. 927; 3381; eff. 6-1-

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